

REMARKS

Claims 83 - 102 are pending.

In response to the Office Action Applicant responds as follows:

¶ 1: claim 86 is amended per the Examiner's suggestion;

¶ 2: copies of the references cited in the IDS were already provided in full in the parent prosecution history 09/014,414 in accordance with 37 C.F.R. 1.98(d); accordingly the Applicant submits that the Examiner should consider such references.

Claims 83 and 96 were amended slightly to correct typographical errors.

Response to rejection of claims 83 – 87, 92 and 96 in light of Cohen (US 5,769,948)

The above claims were rejected under 102(e). Applicant traverses this rejection for the following reason, namely that the Examiner appears to have slightly misread Cohen as it relates to the last limitation of the claim which reads:

"...wherein the author of the email message can direct that the email message be transmitted even if words in such email message still fall within said language filter.

In other words, in the invention of claim 83 of the instant application, the author of an electronic message is specifically permitted to transmit the message without altering the content which triggered the language filter. This has advantages, of course, since in some cases, as the specification points out, certain language may nonetheless be appropriate in certain contexts.

Cohen, however, specifically mandates that the user must remove/edit the content (words) of the message before it can be transmitted:

"...At step 520 the user edits said selected file 480, **therein "editing out" profane language** that is captured in brackets (see steps 270 and 280, FIG. 2). Said brackets thereby serve the user in locating and eliminating the profane language that had previously prevented the message from being sent. At step 530, **the edited message may be filed** (step 90, FIG. 1) and the user given the option to re-send said message (step 120, FIG. 1) (emphasis added).

This can be confirmed from examining block 520 in FIG. 5; EVERY offending message in Cohen MUST be edited to pass the profanity filter or it will not be transmitted.

Again, the present claim is directed to a more flexible approach.¹

Thus, there can be no clearer difference; the reference teaches something which is exactly opposite to the invention of claim 83, and clearly cannot anticipate or make obvious the same.

Dependent claims 84 – 87 and 92 should be allowable for at least the same reason.

Independent claim 96 contains a similar limitation as claim 83 and thus should also be allowable for substantially the same reason. Claim 97, which depends from claim 96, should be allowable for at least the same reasons. Moreover, as seen in Ishikawa (US Patent No. 5,812,863) there is in fact only a single dictionary which contains coded words; this is different from claim 97 which specifically recites the use of two separate dictionaries.

Response to rejection of claims 88 - 89 and 97 in light of Cohen (US 5,769,948) taken with Ishikawa (5,812,863)

Claim 88 depends from claim 83, and as such should be allowable for at least the same reason as the latter. Moreover, with respect to dependent claim 89, again Ishikawa does not show separate dictionaries; a single dictionary is used which contains words with multi-value codings. This single dictionary contains words which have binary codings corresponding to the suitability of the words in different usages. So each word has a 16 bit value, with 1s and 0s corresponding to the usability in a particular situation; for example the word "centre" has a value 1000000000000000 meaning that it is only usable in a British usage. See e.g., col. 4, ll. 9 – 41. Claims 89 and 97, however, specifically call for separate dictionaries. While the difference may be subtle, there are advantages to using separate dictionaries in some applications as recited in claims 89, 97 (for example, ease of updating new ratings for words in new contexts) and Ishikawa provides no hint of the same. Thus it cannot make such claims obvious.

¹ No admission or inference should be drawn from the present record as to the nature or scope of other claims issued or pending to the Applicant to such subject matter which do not specifically recite the language at issue here.
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Response to rejection of claims 90, 91, 93, 98 and 99 in light of Cohen (US 5,769,948) taken with Russell – Falla (6,675,162)

Claims 90, 91 depend from claim 83, and as such should be allowable for at least the same reason as the latter.

Concerning independent claim 93; the Examiner cites col. 5, ll. 33+ of Russel – Falla for the proposition that it teaches alerting an author of a document if a sensitivity threshold specified by the author is exceeded. In reality Russell – Falla teaches something slightly different; namely, that the documents (web pages) are scored by a software program (browser) and that rating is used to determine whether to show the document to a user of the browser. The author of the document (web page) has no access to such rating, nor any mechanism for ensuring that the page will comply with such threshold.

Consequently Russell – Falla describes a very different scenario, and says nothing about this limitation of claim 93:

....(b) setting a sensitivity threshold provided by the author to also be used in connection with checking appropriateness of content included in the email message;...

Accordingly this claim is believed to be distinguishable over the cited combination, which does not permit the author of the document to adjust a sensitivity threshold.²

Claims 98 – 99 should be allowable for essentially the same reasons as claim 93.

Response to rejection of claims 94, 95 and 100 - 103 in light of Cohen (US 5,769,948) taken with Rayson (5,761,689)

Independent claims 94 – 95 should be allowable for the same reasons as claim 83 previously discussed. Moreover while the Examiner combines Rayson with Cohen, there is really no suggestion or even a hint for doing so in those references or any other prior art reference cited by the Examiner. In fact, it is apparent that the “motivation” evidence cited by the Examiner for checking the words substantially immediate in time is extracted directly from the Applicant’s disclosure, which hindsight is not permitted in an obviousness determination. Consequently Applicant submits that these claims are allowable for this

² Again no admission or inference should be drawn from the present record as to the nature or scope of other claims issued or pending to the Applicant to such subject matter which do not specifically recite the language at issue here for this claim.
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reason as well.

Independent claim 100 should be allowable for the same reasons as claims 83, 94 – 95 previously discussed. Dependent claim 101 should be allowable for at least the same reasons.

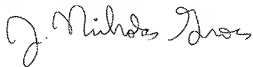
Independent claim 102 should be allowable for the same reasons as claims 83, 94 – 95 and 100 previously discussed. Moreover while the Examiner combines Rayson with Cohen, there is really no suggestion or even a hint for doing so in those references or any other prior art reference cited by the Examiner. In fact, it is apparent that the “motivation” evidence cited by the Examiner for checking the words during idle periods is extracted directly from the Applicant’s disclosure, which hindsight is not permitted in an obviousness determination. Consequently Applicant submits that these claims are allowable for this reason as well. Dependent claim 103 should be allowable for at least the same reasons.

CONCLUSION

The references and rejections have been addressed in detail, and Applicant submits that he claims should be allowable over the same. A petition and fee for a 1 month extension of time is also enclosed.

Should the Examiner believe it that it would be helpful to discuss any of the above points in person, Applicant is open to a telephone conference (510 – 540 - 6300) at any convenient time.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. Nicholas Gross".

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